

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, June 27, 1863.

GENERAL ORDERS, }
No. 91. }

I. Before the Military Court attached to Lt. Gen. Longstreet's Corps, was arraigned and tried:

Lt. Col. C. C. FLOWERREE, 7th Virginia Infantry:

Charge—Drunkenness on duty.

(The Specification is omitted as unnecessary.)

Finding.

The Court do affirm the plea of the accused, and find him as follows, viz :

Of the Specification,	Guilty.
Of the Charge,	Guilty.

Sentence.

To be cashiered, and dismissed the service of the Confederate States.

Recommendation of the Court.

The undersigned, the members of the Military Court for the Department of Virginia and North Carolina, respectfully represent to Lieutenant General Longstreet, and through him to the President, that they have come to the judgment rendered in this case with reluctance. Though it may be true that this Court is vested with all the powers possessed by the Special Court of Enquiry, as it is termed, appointed by act of the Confederate Congress, approved 21st April 1862, and vested therefore with the discretion as to drunkenness in officers, possessed by that Court, they yet are of the opinion that that Court possessed no discretion as to the punishment of officers for drunkenness "on duty." The 45th Article of War prescribes that officers so offending shall be cashiered; and as that article is not repealed in terms, nor by necessary implication, in the said act of the 21st April, they conceive that that article is still the rule of punishment for such offences: but as before stated, they have come to that conclusion with reluctance. They find many inducements to a milder sentence. They find that the season and the service were so severe as to excuse to some extent the use of ardent spirits. They find

that the "duty" upon which this officer was engaged was not such as to require any special exercise of care, conduct or capacity; and they find that he has established a character which is abundant of promise to the service and the state. For these reasons, therefore, they would have imposed a milder sentence, and especially would not have deprived the Confederacy of his further services in the line of his profession. But in the absence, as they conceive, of such discretion, they can only commend him to the clemency of the Executive, which they hope may be exercised in such abatement of this sentence at least as will restore him to his command.

II. The proceedings, finding and sentence in this case having been laid before the Secretary of War, for the final order of the President, the following decision has been rendered:

The view taken by the Court as to the effect of the 45th Article of War in such cases as it provides for, is concurred in; and the proceedings, finding and sentence of the Court are, therefore, approved. But in consideration of the recommendation of the Court, and Lieut. Gen. Long-street, and of the gallantry and good character of Lieut. Col. Flowerree, the sentence is remitted, and he will return to duty.

By order.

S. COOPER,
Adjutant and Inspector General.